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PTO/SB/30 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/879,480
Filing Date	June 12, 2001
First Named Inventor	Jack C. Whittier
Art Unit	1634
Examiner Name	Carla J. Myers
Attorney Docket Number	HrdMgmtCIP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature	<i>Misha Gregory Macaw</i>	Date	12/15/04
Name (Print/Type)	Misha Gregory Macaw	Registration No.	55,417

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Signature	<i>Cheryl A. Swanson</i>	Date	12-15-2004
Name (Print/Type)	Cheryl A. Swanson	Date	12-15-2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PAGE 5/33 * RCVD AT 12/15/2004 7:32:00 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/2 * DNIS:8729306 * CSID:9702243175 * DURATION (mm-ss):10-58

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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Application Number: 09/879,480
Applicants: Jack C. Whittier, Barbi A. Riggs, Patrick D. Burns and
George Seidel
Filed: June 12, 2001
Title: Integrated Herd Management System Utilizing Isolated
Populations of X-Chromosome Bearing and Y-Chromosome
Bearing Spermatozoa
TC/AU: 1634
Examiner: Carla J. Myers
Assignee: Colorado State University through its agent Colorado State
University Research Foundation
Attorney Docket: HrdMgmtCIP
Customer No. 33549

**REQUEST FOR CONTINUED EXAMINATION
PURSUANT TO 37 C.F.R. § 1.114**

The Applicant hereby submits the following submission in this case as a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. This submission consists of an amendment and request for reconsideration and is filed in response to the Office Action dated June 15, 2004. A shortened statutory period of three months has been set, making a response to the Office Action due on or by September 15, 2004. The Applicant is requesting that this time period be extended for three months to and including December 15, 2004 and has included a Petition for Extension of Time along with the prescribed fee.

This Request for Continued Examination is appropriate because:

- i) this request is made prior to payment of the issue fee [37 C.F.R. § 1.114 (a)(1)];
- ii) the application has not been abandoned [37 C.F.R. § 1.114 (a)(2)];

- iii) no notice of appeal has been filed [37 C.F.R. § 1.114 (a)(3)];
- iv) prosecution on the application is closed by either a final action or issuance of a notice of allowance [37 C.F.R. § 1.114 (b)];
- v) this application is not a provisional application [37 C.F.R. § 1.114 (e)(1)];
- vi) this is not a utility patent application filed before June 8, 1995 [37 C.F.R. § 1.114 (e)(2)];
- vii) this application is not an international application filed under 35 U.S.C. § 363 before June 8, 1995 [37 C.F.R. § 1.114 (e)(3)];
- viii) this application is not a design patent application [37 C.F.R. § 1.114 (e)(4)]; and
- ix) this is not a patent under reexamination [37 C.F.R. § 1.114 (e)(5)].

The response is made in accordance with 37 C.F.R. § 1.121 using the format with each heading beginning on a separate page as follows:

1. Amendments to the claims are reflected in the listing of claims beginning on page 3 of this response; and
2. Remarks begin on page 10 of this response.

To respond to all issues and concerns raised in the Office Action, this amendment and request for reconsideration is submitted. Each amendment is believed to have been made in accordance with Rule 121. However, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that the informality may be resolved as expediently as possible. The Applicant further notes it is believed that the current amendments do not incur any claim fees. However, should any claim fees be due, it is again requested that the undersigned be contacted by telephone so that the informality may be resolved as expediently as possible.